

**From:** [David Fiala](#)  
**To:** [Richards, Robert](#)  
**Cc:** [Bias, Candace](#)  
**Subject:** RE: Please view this morning and view this email. this is a job site as of this morning, and an example to be used in our situation as a comparison, one that is an obvious violation(s)  
**Date:** Tuesday, September 17, 2013 10:17:44 AM

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Bob:

I was emailing that information yesterday as an example of a scrapped surface without a coat of paint encapsulating it and an area that was surely clean and kept up prior to the disruption versus the property we purchased that had debris on the ground that we did not cause, and cleaned it up into bags. I did not speak to them, so there is a chance I would suppose a house built in an area developed in 1900-1910 was abated in the past, it just did not appear it was on my short visual view. I attached a few pictures which are very close to the trampoline seen in the first attached picture.

I drove by again yesterday afternoon and it appeared they were scrapping and one was using a planer or sanding by hand, you can see a little piece of plastic on a bush, and the swing set and balls near by.

David

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**From:** Richards, Robert [mailto:Richards.Robert@epa.gov]  
**Sent:** Tuesday, September 17, 2013 8:47 AM  
**To:** David Fiala  
**Cc:** Bias, Candace  
**Subject:** RE: Please view this morning and view this email. this is a job site as of this morning, and an example to be used in our situation as a comparison, one that is an obvious violation(s)

David,

Your attachment has been forwarded within EPA as a tip and complaint.

--Bob

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**From:** David Fiala [mailto:dfiala@futuresone.com]  
**Sent:** Monday, September 16, 2013 11:12 AM  
**To:** Richards, Robert  
**Cc:** Bias, Candace  
**Subject:** Please view this morning and view this email. this is a job site as of this morning, and an example to be used in our situation as a comparison, one that is an obvious violation(s)  
**Importance:** High

Bob:

I point that is materially important for our matter, and I have attached a good example I believe of the wrong way to do it, is a property being encapsulated after scraping. At that point, where the scraping is over and paint on the service, the lead paint disruption is over, the renovation in regard to lead paint is over, or its finish and clean up after that. I know I was very clear with Mr Clark that the disruption was over, a primer coat was in place, and we were cleaning up, and cleaning up a mess that was there. Had we not used plastic covering on the ground, there would have been 20-30X more paint and debris on the ground. What was there was there when we purchased it, and we gathered it and put it, dirt and debris into plastic bags and sealed them the way I believed was correct from our training. To come in while we are doing the right thing on a property in a neighborhood and told we did not, when we did and were, is disappointing. I hope you can understand that. Then include the fact I not see all the material facts in

what I have received from you. This is a concern. I hope you can understand that. I agree the place looked like a mess, but it was a mess and we were cleaning it up this property. In regard to having warning signs up, plastic down etc., this is when we are disrupting the paint. Cleaning up the yard is not a renovation project, and the neighbors, real estate agent, termite treatment company, previous tenant(s) would all agree with what I am communicating.

To boot, we are a small company that does not solicit the public for work, we only do a few places of our own. We respect the safety of our tenants, our neighbors and our neighborhoods, and believe we were doing the right thing as I have repeated to you now. So I do ask for consideration to help me work with you to move on. If you are going to offer us something, than offer it. If you believe there was no paint being disrupted on 11-9-13, then you should ask that the violations be reconsidered and changed or over ruled. I'm asking you to do the right thing. I am willing to do additional items for safety, but do not see how a fine is just, nor appropriate.

What I do not like to see is a company, that had 8 or so workers and 4 vehicles on the sight this morning that I saw. I'm not spiteful if this is the company who called in a complaint on us, but I'm upset and making the point that I do not believe it was a true complaint made at this time. I am a concerned father who has my son at day care a few blocks away, and someone in this community when a bigger company has the guise of compliance with the lead paint rules, not actually follow the rules. As a comparison I would agree our sight looked worse, and it was from the start. There are many many places around like that, which need concerned people to purchase them and fix them up to eliminate a hazard. This is what the EPA should want, not discourage those doing it by slanting these efforts to pursue fines, rather than work with and respect people. Then to see this place this morning with no warning signs, no tape, no primer coat on disrupted lead paint and near kids, it makes me scratch my head. They did not even notice that I walked around the back side of the house.

If you want the pictures in jpeg, I can email them to you. But in regard to our matter, the 25<sup>th</sup> street example I saw this morning is an example of an area that was disrupted that is not encapsulated, no evidence of warning signs, tape or plastic. At 800 A street, we did have a coat of primer on the property prior to the inspection date, we used signs, plastic gathered the paint, was cleaning up a mess that was there when we purchased the place and no one was living in the property. It just appears we are picking on the little guys whom took the time to do it right, and letting the bigger companies do whatever they want. These are the guys that will do 100 jobs a year.

I typed this quickly, I apologize for typos etc.

Regards,

David